

Notice of Allowability

Application No.

09/848,232

Examiner

Robert B. Harrell

Applicant(s)

APPELMAN ET AL.

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/04/2001 et al.
2. ☒ The allowed claim(s) is/are 1-34.
3. ☒ The drawings filed on 10/26/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date May 9, 2002 et al.
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Robert B. Harrell
Primary Examiner
Art Unit 2142

Art Unit: 2142

1. The following is an Examiner's Comment for Allowance as provided -
infra.
2. No Oath or Declaration has been filed and thus is now required in
order to be fully response to this Notice Of Allowance.
3. Any inquiry concerning this communication or earlier communications
from the examiner should be directed to Robert B. Harrell whose
telephone number is (703) 305-9692. The examiner can normally be
reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from
6:00 am to 12 Noon Eastern Standard Time.
4. If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Jack B. Harvey can be reached on (703) 305-9705.
The fax phone numbers for the Group are (703) 746-7238 for After-Final,
(703) 746-7239 for Official Papers, and (703) 746-7240 for Non-Official
and Draft papers.
5. Any inquiry of a general nature or relating to the status of this
application or proceeding should be directed to the Group receptionist
whose telephone number is (703) 305-9600.



ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142

Art Unit: 2142

1. The following is an Examiner's Statement of Reasons for Allowance as provided infra.

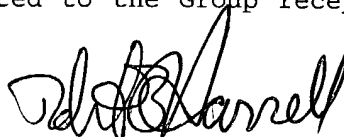
2. In light of the specification, the art of record fails to teach, remotely suggest, or render obvious the defined invention as currently claimed **as a whole**. Specifically, there is no remote teaching, or combination of teachings, that would render obvious the transferring of electronic data between users in a communication system which included a host system structured and arranged to receive and deliver messages of various types between users of the communications system where the host system included a configuring network in communication with both an instant messaging network, which enabled instant messaging communication between users of the communications system and had the capability to monitor whether a certain user was capable receiving an instant message at a particular moment, and a mail gateway, which received and delivered e-mail messages to users of the communications system, where the configuring network was in communication with both the instant messaging network and the mail gateway and where the configuring network was dedicated to automatically configure instant messaging communication between an intended recipient of an e-mail message and the sender of the e-mail message.

3. Any comments considered necessary by the applicant must be submitted no later than the Payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submission should be clearly labeled "Comments of Statement of Reasons for Allowance".

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (703) 305-9692. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 Noon Eastern Standard Time.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey can be reached on (703) 305-9705. The fax phone numbers for the Group are (703) 746-7238 for After-Final, (703) 746-7239 for Official Papers, and (703) 746-7240 for Non-Official and Draft papers.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142